

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NHA T NGUYEN
Claimant

APPEAL 18A-UI-08654-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/13/18
Claimant: Appellant (2)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.22 – Able & Available - Benefits Eligibility Conditions

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the August 16, 2018, (reference 03) decision that denied benefit for the one-week period ending August 4, 2018, finding that the claimant was not able to and available for work. After due notice was issued, a hearing was held by telephone conference call on September 5, 2018. Claimant participated.

ISSUE:

Was the claimant able to and available for work for the one-week period ending August 4, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of May 13, 2018. During the week ending August 4, 2018, when filing her weekly continued claim, the claimant inadvertently indicated that she was not able to and available for work that week. The claimant's testimony that she was available for work the week of the claim is credible.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept

suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The claimant has sufficiently demonstrated to the satisfaction of the administrative law judge that claimant was available for work the week ending August 4, 2018. Accordingly, benefits are allowed, **provided the claimant is otherwise eligible.**

DECISION:

The August 16, 2018, (reference 03), decision is reversed. The claimant was able to and available for work for the week ending August 4, 2018. Benefits are allowed, if the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs